

UNITED STATES INTERNATIONAL TRADE COMMISSION  
Washington, DC 20436

**MEMORANDUM ON PROPOSED TARIFF LEGISLATION  
of the 108<sup>th</sup> Congress <sup>1</sup>**

[Date approved: March 18, 2004]<sup>2</sup>

**Bill No. and sponsor:** H.R. 2100 (Mr. McNulty)

**Proponent name, location:** Schenectady International, Inc.  
Schenectady, New York 12301

**Other bills on product (108<sup>th</sup> Congress only):** None

**Nature of bill:** Extension of expired heading 9902.29.86.

**Retroactive effect:** January 1, 2004.

**Suggested article description(s) for enactment (including appropriate HTS subheading(s)):**

*o*-Cumyloctylphenol (CAS No. 73936-80-8) (provided for in subheading 2907.19.80)

**Check one:** ☐ Same as that in bill as introduced  
☒ Different from that in bill as introduced (explain differences in Technical  
comments section)

**Product information, including uses/applications and source(s) of imports:**

The chemical, *o*-cumyloctylphenol, is an organic intermediate that functions as an absorber of ultraviolet light. The product is used in the production of automotive coatings and light-sensitive plastics to prevent or retard the darkening or yellowing of the material as a result of exposure to sunlight. Schenectady International imports this chemical from a subsidiary in Switzerland.

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<sup>1</sup> Industry analyst preparing report: Eric Land (202-205-3349); Tariff Affairs contact: Dave Beck (202-205-2063).

<sup>2</sup> Access to an electronic copy of this memorandum is available at <http://www.usitc.gov/billrpts.htm> Access to a paper copy is available at the Commission's Law Library (202-205-3287) or at the Commission's Main Library (202-205-2630).

**Estimated effect on customs revenue:**

HTS subheading: 2907.19.80					
	2004	2005	2006	2007	2008
Col. 1-General rate of duty (AVE) <sup>1/</sup>	5.5%	5.5%	5.5%	5.5%	5.5%
Estimated value <i>dutiable</i> imports	\$1,900,000	\$2,200,000	\$2,500,000	\$2,800,000	\$3,100,000
Customs revenue loss	\$104,500	\$121,000	\$137,500	\$154,000	\$170,500

<sup>1/</sup> The AVE is the ad valorem equivalent of a specific or compound duty rate expressed as a percent, using the most recent import data available.

Source of estimated dutiable import data: Commission estimates based on industry information.

**Contacts with domestic firms/organizations (including the proponent):**

Name of firm/organization	Date contacted	US production of same or competitive product claimed?	Submission attached?	Opposition noted?
		(Yes/No)		
Schenectady International, Inc. Leslie Thiele of Whiteman Osterman & Hanna LLP (ph) 518-487-7636, (fax) 518-487-7777 e-mail: <a href="mailto:lthiele@woh.com">lthiele@woh.com</a>	2/4/2004	No	No	No
Eastman Chemical (ph) 432-229-2000	2/6/2004	No	No	No
Aceto Corporation (ph) 516-627-6000	2/6/2004	No	No	No

**Technical comments:**<sup>3</sup> ITC staff have made a slight editorial change to the chemical name in expired heading 9902.29.86.

<sup>3</sup> The Commission may express an opinion on the HTS classification of a product to facilitate consideration of the bill. However, by law, only the U.S. Customs Service is authorized to issue a binding ruling on this matter. The Commission believes that the U.S. Customs Service should be consulted prior to enactment of the bill.



108TH CONGRESS  
1ST SESSION

# H. R. 2100

To extend the existing temporary duty suspension on *o*-Cumyl-octylphenol.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 14, 2003

Mr. McNULTY introduced the following bill; which was referred to the  
Committee on Ways and Means

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## A BILL

To extend the existing temporary duty suspension on *o*-  
Cumyl-octylphenol.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. O-CUMYL-OCTYLPHENOL.**

4       (a) AMENDMENT.—Heading 9902.29.86 of the Har-  
5       monized Tariff Schedule of the United States is amended  
6       in the effective period column by striking “2003” and in-  
7       serting “2005”.

8       (b) RETROACTIVE APPLICATION.—If the date of the  
9       enactment of this Act occurs on or after January 1, 2004,  
10      then, notwithstanding section 514 of the Tariff Act of  
11      1930 or any other provision of law, and upon proper re-

1 quest filed with the Bureau of Customs and Border Pro-  
2 tection of the Department of Homeland Security within  
3 180 days after the date of the enactment of this Act, any  
4 entry, or withdrawal from warehouse for consumption, of  
5 goods described in heading 9902.29.86 of the Harmonized  
6 Tariff Schedule of the United States—

7           (1) which is made after December 31, 2003,  
8           and before the date of the enactment of this Act,  
9           and

10           (2) with respect to which there would have been  
11           no duty if the amendment made by subsection (a)  
12           applied to such entry or withdrawal,  
13 shall be liquidated or reliquidated as if such amendment  
14 applied to such entry or withdrawal.

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